

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. \_\_\_\_\_

STATE OF CONNECTICUT  
DEPARTMENT OF HEALTH SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Michael Pineault, S.S.I.

Petition No. 920312-33-001

CONSENT ORDER

WHEREAS, Michael Pineault, S.S.I., of Colchester, Connecticut, hereinafter referred to as the Respondent, has been issued license number 002651 to practice subsurface sewage installation and/or cleaning by the Department of Health Services pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and

WHEREAS, the Department of Health Services alleges that:

1. On or about June 21, 1991 he contracted to install a subsurface sewage system for Robert Kinsella on property located at 116 Jobs Pond Road in the town of Portland, Connecticut (hereinafter the site);
2. During the last week of August 1991, he commenced installation of the subsurface sewage system at the site;
3. In the course of the installation of said system he failed and neglected:
  - a) to obtain approval from the local director of health (hereinafter the sanitarian) prior to starting construction of said subsurface sewage disposal system at the site;
  - b) to notify the sanitarian at least twenty four (24) hours prior to the commencement of construction; and
  - c) to have a licensed sewer installer present at the site when the system was being installed;
  - d) to have an engineer stake out the subsurface sewage system as required by the plans on file with the sanitarian in order to establish the proper location and elevation for installation of said system;

- e) to employ only licensed or apprenticed subsurface sewage installers to install said system.

WHEREAS, the Respondent in consideration of this Consent Order has chosen not to contest the above allegations. The Respondent, while admitting no guilt or wrongdoing, agrees that for the sole purpose of proceedings before the Department of Health Services the allegations set forth above in this Consent Order shall have the same effect as if ordered after a full hearing held pursuant to Connecticut General Statutes Sections 19a-10, 19a-17 and 20-341f(d).

NOW THEREFORE, pursuant to §19a-17 and §20-341f(d) of the General Statutes of Connecticut, Michael Pineault, S.S.I. stipulates and agrees that:

1. He waives his right to a hearing on the merits of this matter.
2. His license to practice subsurface sewer installation in Connecticut is hereby suspended for two (2) years.
3. Said suspension shall be stayed immediately and he shall be on probation for two (2) years under the following terms and conditions:
  - a. He shall be assessed a two hundred fifty (\$250.00) dollar civil penalty payable by certified check to "Treasurer, State of Connecticut". Said civil penalty shall accompany the executed Consent Order.
  - b. During the period of probation referenced in paragraph 3. above he shall notify the On-site Sewage Disposal Section of the Department of Health Services no less than twenty-four (24) hours prior to commencement of installation of every subsurface sewage system he contracts to install.
  - c. He shall adhere to the provisions of the Connecticut Public Health Code Regulations and Technician Standards for Subsurface Sewage Disposal Systems including but not limited to:

- i) viewing the individual plans on file at the sanitarian's office prior to commencing any installation;
    - ii) notifying the sanitarian twenty-four (24) prior to commencement of installation;
  - d. He shall employ only licensed or apprenticed subsurface sewage installers for every installation he undertakes.
  - e. A licensed subsurface sewage installer shall be present at the site of every installation to supervise all phases of installation. Such licensee may, however, leave the site for reasonable periods for installation-related activities.
4. Any deviation from the term(s) of probation without prior written approval by the Department of Health Services, hereinafter the Department, shall constitute a violation of probation. A violation of any term(s) of probation specified above shall result in the right of the Department to immediately revoke or take other disciplinary action as cited in Connecticut General Statutes §19a-17 against his subsurface sewage installer and cleaner's license. Any extension of time or grace period granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods. Notice of disciplinary action shall be sent to the respondent's address of record (most current address reported to the On-Site Sewage and Disposal Section of the Department of Health Services). His license shall be suspended from one week after the notification of the alleged violation of probation is mailed until the decision of the Department on the violation of probation is rendered.

5. He understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Department (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-341f(d) of the General Statutes of Connecticut, as amended, is at issue.
6. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
7. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.
8. This Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.
9. He permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health Services to present this Consent Order and the factual basis for said Consent Order to the Department. He understands that said Department has complete and final discretion as to whether or not an executed Consent Order is approved or granted. He further agrees that the pre-hearing review form signed by him is incorporated by reference into this Consent Order.
10. He has consulted with an attorney prior to signing this document.

I, Michael Pineault, S.S.I., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Michael D. Pineault  
Michael Pineault, S.S.I.

Subscribed and sworn to before me this 19<sup>th</sup> day of February 1993.

Marie R. Peters  
~~Notary Public or person authorized~~  
~~by law to administer an oath or~~  
~~affirmation~~ My Comm Exp. 3/31/94

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 4<sup>th</sup> day of March 1993, it is hereby accepted and ordered.

Stanley K. Peck  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

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